

State of South Dakota

EIGHTY-FOURTH SESSION LEGISLATIVE ASSEMBLY, 2009

282Q0786

SENATE CONCURRENT RESOLUTION NO. 5

Introduced by: Senator Rhoden and Representative Brunner

1 A CONCURRENT RESOLUTION, Encouraging flexibility by local governments to
2 accommodate the development of wind energy projects.

3 WHEREAS, the nation continues to face serious problems providing sources of affordable
4 energy; and

5 WHEREAS, one promising source of energy is wind; and

6 WHEREAS, wind turbines are now available in sizes and prices appropriate for residences;
7 and

8 WHEREAS, a growing number of homeowners are choosing to purchase and erect such
9 turbines; and

10 WHEREAS, county ordinances in some cases are unduly restrictive with respect to
11 residential structures; and

12 WHEREAS, some homeowners associations' covenants or restrictions may prohibit the
13 erection of residential wind turbines:

14 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Eighty-fourth Legislature
15 of the State of South Dakota, the House of Representatives concurring therein, that the



1 Legislature encourages counties and other local governments to be as lenient as possible in their
2 residential wind turbine-related ordinances and to write their ordinances so as to allow erection
3 of wind turbines on small parcels of land if the engineering design of the turbine support
4 structure ensures that the structure can survive a 150-year wind event; and

5 BE IT FURTHER RESOLVED, that the Legislature encourages local governments to write
6 their ordinances so that any residential property subject to covenants or other restrictions is
7 exempt from any such restrictions that apply to the erection of residential wind turbines.